

**MINUTES
OF THE EXECUTIVE SESSION OF THE
EDINA CITY COUNCIL HELD AT CITY HALL
AUGUST 3, 2009
6:00 P.M.**

Mayor Hovland called the meeting to order at 6:00 p.m. in the Community Room of Edina City Hall. Answering rollcall were: Members Bennett, Brindle, Housh, Swenson and Mayor Hovland. Staff present included: Gordon Hughes, City Manager; Heather Worthington, Assistant City Manager; Ceil Smith, Assistant to City Manager; Roger Knutson, City Attorney; Carey Teague, Planning Director; and Debra Mangen, City Clerk.

Mayor Hovland stated the purpose of the meeting was to discuss the court's decision from the litigation between City of Edina and JMS Home Builders, builder of the house at 6120 Brookview Avenue. At the direction of the City Attorney, the meeting was not tape recorded.

The Council discussed the court's decision and whether it should appeal the decision. They adjourned the closed session at 6:50 to be reconvened at the end of the regular meeting.

At 8:45 Mayor Hovland reconvened the executive session in the Community Room of Edina City Hall. Answering rollcall were: Members Bennett, Brindle, Housh, Swenson and Mayor Hovland. Staff present included: Gordon Hughes, City Manager; Heather Worthington, Assistant City Manager; Ceil Smith, Assistant to City Manager; Roger Knutson, City Attorney; Carey Teague, Planning Director; and Debra Mangen, City Clerk.

The Council discussed whether to accept the court's decision or to appeal the decision to a higher court. After a lengthy discussion, the City Council unanimously decided not to appeal the District Court's decision in the matter of JMS v City of Edina. Even though the Council disagreed with the Court's decision, the Council concluded that an appeal, if successful, would not result in the relocation of the existing home to a location that is materially better than its present location.

This decision does not prejudice the City's close scrutiny of any subdivision or variance proposal or other improvements to the property that may be pursued in the future by the property owner.

Mayor Hovland declared the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, August 18, 2009.

James B. Hovland, Mayor